
Public Utilities Commission of the State of California

Results of Public Agenda 3119

Meeting Held on Thursday, September 18, 2003 10:00 a.m.

San Francisco, California

Commissioners

Michael R. Peevey, President

Geoffrey F. Brown

Susan P. Kennedy

Loretta M. Lynch

Carl W. Wood

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings

505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> <i>Room 5305</i> <i>(1:30 p.m.)</i> <i>Closed to the Public</i>	<i>Commission Meeting</i> <i>Auditorium</i> <i>(10 a.m.)</i> <i>Open to the Public</i>
Monday, September 29, 2003 (San Francisco)	Thursday, October 02, 2003 (San Francisco)
Friday, October 10, 2003 (San Francisco)	Thursday, October 16, 2003 (San Francisco)
Monday, October 27, 2003 (San Francisco)	Thursday, October 30, 2003 (San Francisco)
Friday, November 07, 2003 (San Francisco)	Thursday, November 13, 2003 (San Francisco)

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

For further information contact the Public Advisor
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PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.
-

Public Comment:

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Orders and Resolutions

1

Res TL- 19033

[2532]

Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.

Outcome Approved

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

2

Res ALJ 176-3119

[2533]

Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.

Outcome Approved

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

3

[2558]

R02-01-011 - Order Instituting Rulemaking regarding the implementation of the suspension of Direct Access pursuant to Assembly Bill 1X and D01-09-060.

This decision grants, in part, and denies, in part, the motion filed on June 4, 2003 by the Central Valley Project Preference Power Post-2004 Implementation Group (CVP Group). The CVP Group consists of certain “preference power customers” under individual contracts with the Western Area Power Administration (WAPA). The CVP Group seeks an order affirming that no “Cost Responsibility Surcharge” shall apply to preference power customers for WAPA power purchased after 2004.

(Comr Brown, Comr Wood - ALJ Pulsifer)

Agenda 3118, Item 8 9/4/2003 (Staff)

Outcome Signed[D03-09-052](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

4

[2559]

C03-05-025 - Utility Audit Company, Inc. (UAC) vs. Southern California Gas Company (SoCalGas).

This decision grants motion of SoCalGas to dismiss complaint of UAC alleging utility billing error. This proceeding is closed.

(Comr Brown - ALJ Bemederfer)

Outcome Signed[D03-09-053](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

5

[2562]

R92-03-050 - Order Instituting Rulemaking on the Commission's own motion to consider the line extension rules of electric and gas utilities.

In response to a petition for clarification of D03-03-032 filed by Pacific Gas and Electric Company, the Commission concludes that the decision requires the utilities: (1) to book only the refundable portion of project costs not the total project cost; (2) to use the costs set forth in applicant's third-party contract at the commencement of the project; and (3) to fix inspection costs at the outset of project, not subject to reconciliation on completion of the project, for paying refunds. This proceeding remains open.

(Comr Kennedy - ALJ Patrick)

Agenda 3118, Item 9 9/4/2003 (Staff)

Outcome Signed

[D03-09-054](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

6

[2589]

A02-06-024 - Verizon California, Inc. (Verizon).

For Arbitration with Pac-West Telecomm, Inc. pursuant to Section 252(b) of the Telecommunications Act of 1996. This decision grants Verizon's motion to adopt the conformed interconnection agreement submitted by Verizon. This proceeding is closed.

(Comr Brown - ALJ Jones)

Agenda 3117, Item 78 8/21/2003 (Lynch);

Agenda 3118, Item 12 9/4/2003 (Brown)

Outcome Signed

[D03-09-055](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

7

[2605]

A03-02-001 - Zephyr Communications, L.L.C. (Applicant).

This decision grants Applicant a certificate of public convenience and necessity under Pub. Util. Code § 1001 to provide local exchange, resold intraLATA and InterLATA telephone service, and hi-speed data services. This proceeding is closed.

(Comr Brown - ALJ Bemederfer)

Outcome Held (10/2/03, Consent Agenda. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

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- 8**
[2606] **A03-06-009 - TeleMex International (Applicant).**
This decision grants Applicant a certificate of public convenience and necessity to provide resold local telephone service. This proceeding is closed.
(Comr Brown - ALJ Bemederfer)
Outcome Signed
[D03-09-056](#)
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 9**
[2607] **I98-09-007 - Investigation on the Commission's own motion into the operations and practices of the Pacific Gas and Electric Company in connection with Public Utilities Code Section 451, General Order 95, and other applicable standards governing tree-line clearances.**
This decision grants Pacific Gas and Electric Company's (PG&E) petition to modify D99-07-029. The time for a Consumer Protection and Safety Division-managed audit of PG&E's vegetation control program is extended. Suggestions by intervenors that PG&E be required to compensate ratepayers for the delay are rejected. This proceeding is closed.
(Comr Kennedy - ALJ McVicar)
Outcome Signed
[D03-09-057](#)
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 10**
[2608] **I99-04-023 - Investigation in Accutel Communications, Inc., d.b.a. Florida Accutel Communications, Inc.**
This decision revokes the Certificate of Public Convenience and Necessity (CPCN) of Accutel Communications, Inc. (Accutel) because Accutel did not comply with the conditions set out in D02-07-034 for maintaining its CPCN. This proceeding is closed.
(Comr Brown - ALJ DeUlloa)
Outcome Signed
[D03-09-058](#)
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
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11

[2632]

Res E-3842 - Kenwood Inn and Spa (Kenwood Inn).

This resolution grants the request of Kenwood Inn for deviation from California Public Utilities Code Section 320 on behalf of Pacific Gas and Electric Company (PG&E), and authorizes PG&E to relocate four existing joint utilities poles on the west side of Highway 04-SON-12, Post Mile 27.8, in the vicinity of the Kenwood Inn's driveway.

Outcome Approved

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

12

[2635]

C01-06-040 - Dr. Augusto Baronio Martins vs. Cingular Wireless (formerly known as Pacific Bell Wireless).

This decision concludes that Complainant's service was properly terminated for failure to pay. This proceeding is closed.

(Comr Peevey - ALJ Barnett)

Outcome Signed

[D03-09-059](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

13

[2638]

C02-07-044 - Utility Consumer's Action Network vs. Pacific Bell Telephone Company, AOL-Time Warner, Inc., Does 1-100.

This decision extends the 12-month statutory deadline pursuant to Public Utilities Code Section 1701.2(d) to July 31, 2004.

(Comr Brown - ALJ Walker)

Outcome Signed

[D03-09-060](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

14

[2639]

Res SX-60 - Southern California Regional Rail Authority (SCRRA).

This resolution grants SCRRA variance from GO 26-D requirements for tunnel lights at a height of 10'0" to 14'0" with a side clearance from the centerline of 7'-7 1/2". Resulting lighting will improve visibility in tunnel for emergency situations.

Outcome Approved

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

15

[2641]

R02-01-011 - Order Instituting Rulemaking regarding the implementation of the suspension of direct access pursuant to Assembly Bill 1X and D01-09-060.

This decision grants the petition to modify D03-07-030, filed by San Diego Gas & Electric Company (SDG&E). The decision is modified to permit SDG&E to divide customers along the lines of its existing tariffs in implementing the core/noncore allocation of Direct Access undercollections on a similar basis as was granted to Pacific Gas and Electric Company.

(Comr Brown, Comr Wood - ALJ Pulsifer)

Outcome Signed

[D03-09-061](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

16

[2651]

A03-06-003 - Zafar Quraishi, dba SuperExpress.

This decision authorizes Zafar Quarishi to operate as a passenger stage corporation between points in the Counties of Los Angeles, Orange, San Bernardino, Riverside, San Diego and Ventura, on the one hand, and various Southern California airports, Los Angeles and Palm Springs AMTRAK Stations, and Los Angeles and Long Beach Harbors, on the other hand; and to establish a Zone of Rate Freedom. This proceeding is closed.

(Exam Clark)

Outcome Signed

D03-09-062

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

17

[2652]

A03-06-039 - Russell Beauchane, dba Airport Transportation Service, and Michael B. Holland and Helen M. Upton, dba North Valley Shuttle.

This decision authorizes Russell D. Beauchane to transfer his passenger stage corporation certificate to Michael B. Holland and Helen M. Upton, a partnership. This proceeding is closed.

(Exam Clark)

Outcome Signed

D03-09-063

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

18

[2653]

A03-05-013 - Directional Management, Inc. and Shuttle Ride, LLC.

This decision authorizes Directional Management, Inc. to transfer its passenger stage corporation certificate to Shuttle Ride, LLC. This proceeding is closed.

(Exam Clark)

Outcome Signed

D03-09-064

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

19

[2654]

A03-06-018 - Airport Connection Inc. , dba Roadrunner Shuttle (Applicant).

This decision authorizes Applicant to establish a zone of rate freedom of 20% above and below its current fares. This proceeding is closed.

(Exam Clark)

Outcome Signed

D03-09-065

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

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- 20**
[2655] **A03-06-027 - Andre Planchon, dba Main Event Limousines and Main Event Transportation, Inc.**
This decision authorizes Andre Planchon to transfer his passenger stage corporation certificate to Main Event Transportation, Inc. This proceeding is closed.
(Exam Clark)
Outcome Signed
D03-09-066
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 21**
[2658] **R02-06-001 - Order Instituting Rulemaking on policies and practices for advanced metering, demand, response, and dynamic pricing.**
This decision awards the San Francisco Community Power Cooperative \$72,702.33 in compensation for its contribution to D03-03-036.
(Comr Peevey - ALJ Koss)
Outcome Signed
[D03-09-067](#)
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 22**
[2660] **Res W-4422 - California Water Service Company (CWSC), South San Francisco District.**
This resolution authorizes CWSC, South San Francisco District, an offset rate increase producing additional annual revenues of \$1,041,700 or 11.0% for increases in the cost of purchased water.
(Advice Letter 1551, filed June 24, 2003)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 23**
[2661] **Res W-4423 - Great Oaks Water Company (GOWC).**
This resolution authorizes GOWC an increase in annual revenue of \$1,202,007 or 13.72% to offset an increase in pump tax. (Advice Letter 156-W, filed July 29, 2003)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
-

24

[2662]

Res W-4424 - Great Oaks Water Company (GOWC).

This resolution authorizes GOWC a temporary surcharge to recover undercollections in its water production and purchased power balancing-type memorandum accounts, producing an annual increase in revenue of \$304,914 or 3.11%. (Advice Letter 157, filed July 30, 2003)

Outcome Approved

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

25

[2665]

A01-11-045 - Global NAPs, Inc.

For Arbitration of an interconnection agreement with Pacific Bell Telephone Company pursuant to Section 252(b) of the Telecommunications Act of 1996. A01-12-026 - Related matters. This decision grants Verizon California, Inc.'s motion to require Global NAPs, Inc. to sign the conformed interconnection agreement without alteration. This proceeding is closed.

(Comr Kennedy - ALJ Jones)

Outcome Signed

[D03-09-068](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

26

[2707]

A02-10-022 - 360networks (USA), Inc. (Applicant).

This decision grants Applicant prospective authority under Pub. Util. Code § 854 for the transfer of control of its public utility business, but denies Applicant's request for retroactive approval of the transfer. Applicant shall pay a fine for its failure to obtain advance Commission authorization for this transfer of control as required by § 854(a). This proceeding is closed.

(Comr Brown - ALJ Duda)

Outcome Signed

[D03-09-069](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

Regular Agenda

Energy Orders

27

[1987]

A99-09-006 - Pacific Gas and Electric Company (PG&E).

The Commission adopts PG&E's estimate of \$65.1 million for the future decommissioning and site remediation of Hunters Point Power Plant. This proceeding is closed.

(Comr Brown - ALJ Patrick)

Agenda 3112, Item 3 5/8/2003 (Staff);

Agenda 3114, Item H-6 6/5/2003 (Lynch);

Agenda 3116, Item H-2 7/10/2003 (Brown);

Agenda 3117, Item 80 8/21/2003 (Lynch)

Outcome Held (10/2/03. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

28

[2476]

A02-03-020 - Pacific Gas and Electric Company (PG&E).

This decision finds that the trust funds are sufficient to pay for the decommissioning of Diablo Canyon Power Plant Units 1 & 2. In addition, this decision sets the annual revenue requirement for Humboldt Bay Power Plant Unit 3 at \$18.450 million. This decision also grants PG&E's request for a revenue requirement of \$8,254 million for Humboldt SAFESTOR O&M. This results in a total revenue requirement of \$26.704 million. This proceeding is closed.

(Comr Brown - ALJ O'Donnell)

Agenda 3117, Item 89 8/21/2003 (Lynch)

Outcome Held (10/2/03. For alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

29

[2477]

A02-03-039 - Southern California Edison Company (SCE) and San Diego Gas and Electric Company (SDG&E).

This decision sets the annual nuclear decommissioning revenue requirement for SCE at \$32.848 million. For SGD&E this decision sets the annual revenue requirement at \$6.692 million. In addition, the decision finds the San Onofre Nuclear Generating Station Unit 1 (SONGS 1) decommissioning work completed as of December 31, 2001, (\$91 million) reasonable, finds the utilities' estimate of SONGS 1 remaining decommissioning work (\$531 million) reasonable, and authorizes the utilities to use the tax benefits retained in the non-qualified trust fund for SONGS 1 to fund decommissioning work on that plant. This proceeding is closed.

(Comr Brown - ALJ O'Donnell)

Agenda 3117, Item 90 8/21/2003 (Lynch)

Outcome Held (10/2/03. For alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

30

[2490]

I02-11-040 - Order Instituting Investigation into the gas market activities of Southern California Gas Company, San Diego Gas and Electric, Southwest Gas, Pacific Gas and Electric, and Southern California Edison and their impact on the gas price spikes experienced at the California border from March 2000 through May 2001.

I03-02-033 - Related matters. This decision modifies I03-02-033 to provide for an independent audit as the first step in the investigation, and to deconsolidate I03-02-033 from I02-11-040.

(Comr Brown - ALJ TerKeurst)

Agenda 3117, Item 36 8/21/2003 (Lynch);

Agenda 3118, Item 4 9/4/2003 (Lynch)

Outcome Signed

[D03-09-070](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

- 31**
[2502] **A01-03-036 - San Diego Gas & Electric Company.**
For a certificate of public convenience and necessity for the Valley-Rainbow 500kV Inter-Connect Project. This decision awards intervenor compensation to Save Southwest Riverside County for its substantial contribution to D02-12-066. This proceeding is closed.
(Comr Kennedy - ALJ Cooke)
Agenda 3117, Item 47 8/21/2003 (Brown)
Outcome Held (10/16/03. For alternate.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 32**
[2611] **R01-10-024 - Order Instituting Rulemaking to establish policies and cost recovery mechanisms for Generation Procurement and Renewable Resource Development.**
This decision addresses the San Diego Gas & Electric Company's request that the Commission clarify the status of the Williams Gas Contract.
(Comr Peevey - ALJ Halligan)
Outcome Held (10/2/03.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 33**
[2699] **R_____ - Order Instituting Rulemaking regarding cost responsibility surcharges for county and municipal water districts which generate their own electricity pursuant to SB 1755.**
This order institutes a rulemaking to implement Senate Bill 1755 (SB 1755) (Stats. 2002, ch. 848), that was signed into law on September 24, 2002. SB 1755 added Public Utilities Code Sections 31149.7 and 71663.5 to the Water Code relating to electric power.
Outcome Signed
R03-09-029
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

Energy Resolutions and Written Reports**34 Res E-3835 - Southern California Edison Company (SCE).**

[2371]

This resolution denies SCE's request for approval of revisions to tariff schedules necessary to extend the TOU pricing requirement mandated by AB1X 29 and D01-05-064 to all customers with demand exceeding 200 kW. (Advice Letter 1649-E, filed September 6, 2002)

Agenda 3116, Item E-5 7/10/2003 (Staff);

Agenda 3117, Item 96 8/21/2003 (Staff);

Agenda 3118, Item 35 9/4/2003 (Staff)

Outcome Held (10/2/03. For alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

35 Res E-3844 - Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas & Electric Company (SDG&E).

[2609]

PG&E, SCE and SDG&E each submitted an Advice Letter to establish a pilot program to provide net energy metering for eligible biogas digester customer- generators in compliance with Assembly Bill (AB) 2228. The advice letters were approved with modifications by Res E-3827 on June 19, 2003.

The utilities were directed to file revised tariffs within 10 days. PG&E and SDG&E submitted revised advice letters on June 30, 2003 which were protested by Sustainable Conservation. SCE filed substitute sheets filed May 5, 2003, to reflect the concerns of the protestants. Approved with modification. (PG&E Advice Letter (AL) 2350-E-A, filed June 30, 2003 and SDG&E AL 1475-E-A, filed June 30, 2003)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

36 Res E-3843 - Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas & Electric Company (SDG&E).

[2610]

PG&E, SCE, SDG&E filed tariff changes to implement the rules governing the rights and obligations of Direct Access (DA) customers to switch between bundled and DA service, as adopted in D03-05-034, the "Switching Order". Approved. (PG&E Advice Letter (AL) 2393-E, SCE AL 1717-E, and SDG&E AL 1508-E, filed June 23, 2003)

Outcome Held (10/2/03.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Telecommunication Orders**37**
[1866] **R01-09-001 - Commission's own motion to assess and revise the new regulatory framework for Pacific Bell and Verizon California Incorporated.**

I01-09-002 - Related matters. In this decision, the Commission evaluates the service quality of Pacific Bell and Verizon California, Inc. over the period January 1, 1990 through the present. The Commission ordered such a review in D89-10-031, which established the New Regulatory Framework as means of regulating both carriers.

(Comr Kennedy - ALJ Thomas)

Agenda 3111, Item 1 4/17/2003 (Kennedy);

Agenda 3114, Item H-3 6/5/2003 (Peevey);

Agenda 3116, Item H-1 7/10/2003 (Peevey);

Agenda 3117, Item 101 8/21/2003 (Staff);

Agenda 3118, Item 37 9/4/2003 (Kennedy)

Outcome Held (10/2/03. Further consideration.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

37a
[2366] **ALTERNATE TO ITEM 1866**

This alternate finds that under the New Regulatory Framework (NRF), Verizon has provided excellent customer service. Pacific Bell has provided generally good service, but several of its operations suffer from poor service quality. The alternate reaches these conclusions through a statistical examination of the direct measures of service quality provided by Pacific Bell and Verizon to this Commission and to the FCC. The alternate further finds that Verizon and Pacific Bell developed different service quality records during the NRF period, but that both show an improving trend in service quality. This evidence casts doubt on the proposition that NRF systematically decreases the quality of customer service.

(Comr Kennedy, Comr Peevey)

Agenda 3116, Item H-1a 7/10/2003 (Peevey);

Agenda 3117, Item 101a 8/21/2003 (Staff);

Agenda 3118, Item 37a 9/4/2003 (Kennedy)

Outcome Held (10/2/03. Further consideration.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

37b (Rev.)

[2677]

ALTERNATE TO ITEM 1866

This alternate finds that, under the New Regulatory Framework (NRF), Verizon provided generally improving service that compared favorably with other large carriers on most measures, with just a few areas of weakness. Pacific Bell's service was stable for the majority of measures we studied and compared favorably to other large carriers on many measures, but Pacific's service exhibited several important areas of weakness, especially for residential customers. The alternate finds that there is insufficient evidence to establish whether NRF caused either positive or negative changes in service quality.

(Comr Lynch, Comr Wood)

09/12/2003 - This revision was not shown on the Agenda mailed to the public.

Outcome Held (10/2/03. Further consideration.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

38

[2180]

C99-01-039 - The Greenlining Institute, Latino Issues Forum vs. Pacific Bell, Pacific Bell Information Services.

This decision denies the petition to modify D03-03-022 by the Greenlining Institute. This proceeding is closed.

(Comr Wood - ALJ Vieth)

Agenda 3114, Item CA-10 6/5/2003 (Peevey);

Agenda 3116, Item CA-4 7/10/2003 (Peevey);

Agenda 3118, Item 38 9/4/2003 (Kennedy)

Outcome Held (10/2/03. For alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

39

[2305]

I00-11-052 - Investigation on the Commission's own motion into the operations, practices, and conduct of Qwest Communications Corporation (Qwest) and its wholly owned subsidiary, LCI International Telecommunications Corporation, dba Qwest Communications Services (LCIT), to determine whether Qwest and LCIT have violated the laws, rules and regulations governing the manner in which California consumers are switched from one long distance carrier to another and billed for long distance telephone services.

This decision denies the Greenlining Institute and Latino Issues Forum's petition to modify D03-04-050 to increase their intervenor compensation award. This proceeding is closed.

(Comr Wood - ALJ Econome)

Agenda 3116, Item 1 7/10/2003 (Peevey);

Agenda 3118, Item 39 9/4/2003 (Kennedy)

Outcome Held (10/2/03. For alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

40

[2513]

R00-02-004 - Order Instituting Rulemaking on the Commission's own motion to establish consumer rights and consumer protection rules applicable to all telecommunications utilities.

The Commission adopts General Order No. ###, Rules Governing Telecommunications Consumer Protection, applicable to all Commission-regulated telecommunications utilities. G.O. ### sets forth: in Part 1, a telecommunications consumers' Bill of Rights; in Part 2, a set of Consumer Protection Rules all carriers must follow to protect those rights; in Part 3, Rules Governing Billing for Non-communications-Related Charges; and in Part 4, Rules Governing Slamming Complaints. The proceeding remains open to consider changes to the current limitation of liability provisions, rules protecting non-English speaking consumers, and a telecommunications consumer education program.

(Comr Wood - ALJ McVicar)

Outcome Held (10/2/03.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

41

[2498]

R03-02-034 - Order Instituting Rulemaking into implementation of Assembly Bill 140, establishing the Rural Telecommunications Infrastructure Grant Program.

This interim decision implements eligibility criteria for community-based groups to qualify to apply for telecommunications rural infrastructure grants and adopts interim grant program administration rules.

(Comr Peevey - ALJ Grau)

Agenda 3117, Item 106 8/21/2003 (Peevey);

Agenda 3118, Item 40 9/4/2003 (Peevey)

Outcome Signed as Modified (Change page 9 and applicable appendix pages to include tribal governments as fiscal agents.)

[D03-09-071](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

42

[2545]

I99-09-001 - Investigation on the Commission's own motion into the operation and practices of Telmatch Telecommunications, Inc. to determine whether it has violated the laws, rules and regulations governing the manner in which California consumers are billed for telecommunication services.

This decision approves a reparation plan that compensates California consumers for unauthorized charges that Telmatch Telecommunications, Inc. imposed on consumers' telephone bills. This proceeding is closed.

(Comr Kennedy - ALJ DeUlloa)

Agenda 3118, Item 41 9/4/2003 (Staff)

Outcome Held (10/2/03, Consent Agenda.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Water/Sewer Orders**43**

[2160]

I97-07-018 - Investigation on the Commission's own motion into the operations, practices, rates and charges of the Hillview Water Company, Inc. (Hillview), a corporation, and Roger L. Forrester (Forrester), the principal shareholder and president.

This decision determines that the respondents, Hillview and Forrester violated Section 491 and Section 825 of the California Public Utilities Code. The respondents must prepare a reconciliation of accounts for the period from January 1, 1991, to and including July 31, 1998. If that reconciliation indicates that Hillview's revenue requirement is materially inaccurate, Hillview must file an informal general rate case to properly adjust its rates. A five-year probationary period is instituted to prevent a recurrence of these violations. This proceeding is closed.

(Comr Kennedy - ALJ Ryerson)

Agenda 3114, Item 1 6/5/2003 (Staff);

Agenda 3115, Item H-5 6/19/2003 (Brown);

Agenda 3116, Item H-7 7/10/2003 (Wood);

Agenda 3117, Item 107 8/21/2003 (Wood)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

43a

[2675]

ALTERNATE TO ITEM 2160

This alternate determines that the respondents, Hillview and Forrester violated Sections 491 and 825 of the California Public Utilities Code and imposes a fine of \$1000 for the violations. The respondents must reconcile all of its accounts for the period from January 1, 1991 to and including June 30, 2003 and submit an account reconciliation report to the Commission in a general rate case application within nine months from the effective date of the decision. The respondents also must provide refunds of the supply and storage fees it unlawfully collected back to Hillview customers upon receipt of a written refund claim from those customers.

(Comr Brown, Comr Wood)

Outcome Signed (Comr. Kennedy will file a dissent.)

[D03-09-072](#)

Yes: (Brown, Lynch, Wood)

No: (Kennedy, Peevey)

Abstain: (none)

Absent: (none)

Commissioner's Reports

44

Commissioners' Report

[2534]

Miscellaneous Commissioners' reports.

Outcome Information Only

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Management Reports and Resolutions

45

Management Reports

[2535]

Miscellaneous Management reports.

Outcome Item Discussed

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the

Non-Federal Items

50

[2569]

R93-04-003 - Conference with Legal Counsel - Application for Rehearing.

I93-04-002 - Related matters. Disposition of Application for Rehearing of D02-12-081, filed by (1) the California Association of Competitive Telecommunications Companies, the Competitive Telecommunications Association, Association of Communications Enterprises, Office of Ratepayer Advocates, The Utility Reform Network, Pac-West Telecomm, Inc. and Working Assets long Distance (jointly) and (2) WorldCom, Inc., Time Warner Telecom of California, L.P., Pac-West Telecomm, Inc. and the California Association of Competitive Telecommunications Companies (jointly). D02-12-081 is the Commission's final decision on the Public Utilities Code section 709.2(c) inquiry regarding Pacific Bell's application to provide intrastate interexchange telecommunications service.

Agenda 3117, Item 145 8/21/2003 (Staff)

Outcome Held (10/16/03.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

51

[2577]

A98-02-017 - Conference with Legal Counsel - Application for Rehearing

A98-04-048 - Related matters. Order disposing of application for rehearing of D02-12-062 filed jointly by the Office of Ratepayer Advocates (ORA) and The Utility Reform Network (TURN). In D02-12-062, the Commission denied ORA's petition to modify the Commission's 1999 decision (D99-06-053) granting Pacific Bell's application to recategorize its Inside Wire Repair WirePro service from Category II (for discretionary or partially competitive services) to Category III (for fully competitive services). In its petition to modify D99-06-053, ORA had asked the Commission to recategorize WirePro back to Category II and to reset the ceiling price for this service from \$2.99/month to \$1.20/month.

Agenda 3117, Item 150 8/21/2003 (Staff);

Agenda 3118, Item 62 9/4/2003 (Staff)

Outcome Signed

D03-09-073

Yes: (Brown, Kennedy, Peevey)

No: (Lynch, Wood)

Abstain: (none)

Absent: (none)

53

[2612]

A02-05-013 - Conference with Legal Counsel - Application for Rehearing

Disposition of the application for rehearing of D03-05-030 filed by Angeles Chapter of the Sierra Club (Sierra Club). D03-05-030 authorized Valencia Water Company (Valencia) to modify its rates and revenue.

Agenda 3118, Item 64 9/4/2003 (Wood)

Outcome Signed

D03-09-074

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

54

[2650]

A01-09-003 - Conference with Legal Counsel - Application for Rehearing

A01-09-005 - Related matters. Disposes of the application for rehearing of D03-02-028 filed by Pacific Gas and Electric Company (PG&E) in the Annual Transition Cost Proceeding (ATCP). In D03-02-028 the Commission finds that the \$34.8 million PG&E spent to market value its hydroelectric facilities was reasonable, but defers PG&E's recovery of those expenses.

Outcome Signed

D03-09-075

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

55

[2657]

A02-06-019 - Conference with Legal Counsel – Application for Rehearing

D03-03-034 denied the request of Pacific Gas and Electric Company (PG&E) for authorization to increase rates charged for electricity and natural gas to offset attrition in rate of return resulting from increased spending on distributional capacity. The Commission explained that too much time has passed since 1999 when it last reviewed PG&E's costs to allow the information developed then to be used now to set new rates.

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)